

REMARKS

In reply to the Notice of Non-Compliant Amendment, Applicants have canceled the claims dependent from canceled claims, and have added the claims previously dependent from canceled claims as new claims 32-41, depending from new claim 26. In the event that claims 32-41 are withdrawn, Applicants request rejoinder, upon allowance of the claims from which they depend. The prior submitted Remarks are set forth below.

Claims 1, 14, and 20 were objected to for informalities. Claims 1, 14, 20, and 22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, and claim 14 was rejected under 35 U.S.C. § 112, first paragraph, due to lack of enablement. Claims 1, 14, 20, and 22 were rejected under 35 U.S.C. § 102(a) as being anticipated, and claims 1, 20, and 22 were rejected under 35 U.S.C. § 103(a) as being obvious.

Amendments to the specification

The specification was objected to for failing to comply with 37 CFR 1.77(b). The specification has been amended to include the appropriate section headings. No new matter has been added by these amendments. In view of the amendments to the specification, this objection should be withdrawn.

Amendments to the claims

Claims 1, 14, and 20 were objected to due to informalities. Claims 1, and 14-25 have been cancelled and new claims 26-41 have been added. Support for the new claims can be found, for example, in originally presented claims 1, 14-25 and page 3, lines 29-32 of the

specification. No new matter was added by these amendments. In view of these claim amendments, objections to the claims may be withdrawn.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1, 14, 20, and 22 were rejected as being indefinite for failing to particularly point out and distinctly claim the invention. Applicants have cancelled claims 1, 14, 20, and 22 and added new claims 26-31. The indefinite terms identified by the Examiner are corrected in the new claims. Therefore, Applicants respectfully request that this rejection be withdrawn.

Rejection under 35, U.S.C. § 112, first paragraph

Claim 14 was rejected for lack of enablement. The Examiner stated that in order for the 35C1 antibody to be fully enabled, it must be deposited under the terms of the Budapest Treaty and assurances must be given that “all restrictions upon public access to the deposited material will be irrevocably removed upon the grant of a patent on this application.” Applicants submit herewith a deposit receipt from the Collection Nationale de Cultures de Microorganismes (CNCM; Paris, France) for the antibody, as well as a declaration attesting to the submission of the 35C1 hybridoma under the Budapest Treaty. In view of this submission, this rejection should be withdrawn.

Rejection under 35 U.S.C. § 102(a)

Claims 1, 14, 20, and 22 were rejected as being anticipated by Cremet et al. (Mol. Cell. Biochem. 243:123-131 (2003)). Applicants submit herewith a certified English translation of the

French priority document, FR 02/07212, filed June 12, 2002. Applicants submit support for claims 26-31 can be found, for example, on pages 16-19 of the English translation of the original French priority document. Therefore, in view of the earlier filing date of the French priority document, Cremet et al. does not qualify as prior art under § 102(a) and this rejection should be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 1, 20, and 22 were rejected as obvious over Honda et al. (Oncogene 19:2812 (2000)), as evidenced by Giet et al. (J. Cell Sci. 114:2095 (2001)) and Shindo et al. (Biochem. Biophys. Res. Comm. 244:285 (1998)), in view of Bischoff et al. (Trends Cell Biol. (:454 (1999)). Applicants have cancelled claims 1, 20, and 22. New claims 26-31 cover the 35C1 antibody and uses thereof. None of the above references individually or in combination teach the 35C1 antibody and therefore this rejection should be withdrawn.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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